

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

**Kendrick Tremaine Jeter,**  
**a/k/a Tremaine Kendrick Jeter,**

Plaintiff,

v.

**Spartanburg County Jail Administrator;**  
**Doctor Under Contract With Spartanburg County**  
**Jail; and United States Marshal,**

Defendants.

**C/A No. 4:05-2873-CMC-TER**

**O R D E R**

This matter is before the court on Plaintiff's *pro se* action filed pursuant to 42 U.S.C. § 1983. Plaintiff alleges that he received inadequate medical treatment while he was in the custody of the United States Marshals Service. Defendant United States Marshals Service filed a motion to dismiss along with a memorandum and affidavits in support of that motion. Because Plaintiff is proceeding *pro se*, he was advised that a failure to respond to Defendant's motion to dismiss could result in dismissal of his complaint. Plaintiff failed to file a response.

In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2)(d), DSC, this matter was referred to United States Magistrate Judge Thomas E. Rogers, III, for pre-trial proceedings and a Report and Recommendation. The Magistrate Judge issued a Report recommending that the complaint be dismissed as to Defendant United States Marshals Service pursuant to Fed. R. Civ. Proc. 41(b). The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and Recommendation and the serious consequences if he failed to do so. Plaintiff has filed no objections and the time for doing so has expired.

The Magistrate Judge makes only a recommendation to this court. The recommendation has

no presumptive weight, and the responsibility to make a final determination remains with the court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of any portion of the Report and Recommendation of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b). The court reviews the Report and Recommendation only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”) (citation omitted).

After reviewing the complaint, the motion, and the Report and Recommendation of the Magistrate Judge, the court finds no clear error. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted and incorporated by reference.

Therefore, it is

**HEREBY ORDERED** that the complaint be dismissed as to Defendant United States Marshals Service for failure to prosecute pursuant to Fed. R. Civ. P 41(b).

**IT IS SO ORDERED.**

s/ Cameron McGowan Currie  
CAMERON MCGOWAN CURRIE  
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina  
May 10, 2007

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